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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,984	02/06/2004	Timothy Paul Doucette	053475-0033	7086
20572 7590 12/28/2007 GODFREY & KAHN S.C. 780 NORTH WATER STREET MILWAUKEE, WI 53202			EXAMINER SHAPIRO, JEFFERY A	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 12/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/773,984	Applicant(s) DOUCETTE ET AL.	
	Examiner Jeffrey A. Shapiro	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 50/235,001.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/7/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding Claim 5, it is not clear what data is being transferred and from where to the first remote database.
4. Regarding Claim 6, it is not clear what data is being transferred and from where to the local database.
5. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claims 1-22 recites the limitations "a first remote database", as recited in Claim 5, for example, and "a local database", as recited in Claim 6, for example. There is insufficient antecedent basis for these limitations in the claims.
7. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. It is unclear in Claim 17 what is meant in line 2 by the phrase "from be entered".

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-9, 12-14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Curkendall et al (US 6,342,839 B1).

Regarding Claim 1, Curkendall discloses

- a. inputting information into a local database located on a farm;
- b. electronically transmitting selected data to a remote location;
- c. analyzing at least the selected data;
- d. electronically transmitting data from the remote location to the local database.

See Curkendall, col. 8, line 47-col. 16, line 5 and figures 9 and 10.

10. Regarding Claims 2, 4-6, 14 Curkendall discloses at Col. 5, lines 23-27, Col. 15, lines 38-55, that new information is uploaded and transmitted from the remote location to a first database and another database. Again, see figures 9 and 10, which illustrate the sharing of data between two databases. Note that for the system to provide

feedback to confirm receipt of the data, the data must be "analyzed" by the system as to whether or not it has been received.

Regarding Claims 3 and 7, note Curkendall at col. 5, lines 27-34 and 47-55, col. 13, lines 7-16 and col. 19, line 47-col. 20, line 12.

Regarding Claims 8 and 18, note that it is inherent that various databases must have identification numbers in Curkendall's system, otherwise such a computer-based system which relies on multiple databases would not function. Further note that the source of the data in Curkendall's system is in the form of an identification number obtained from an RFID transponder. See col. 19, lines 40 and 41.

Regarding Claims 12-14 and 13, see Curkendall at col. 19, line 47-col. 20, line 12.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curkendall in view of Anderson et al (6,032,084).

Curkendall discloses the Livestock data collection and management system as described above.

Regarding Claims 10 and 11, Curkendall does not expressly disclose, but Anderson discloses a system that transmits data to delivery vehicles (21a) for the

purpose of dispensing feed and medical treatment to livestock. See Anderson at figures 2D1 and 2D2 and col. 25, line 63-Col. 27, line 40.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have transmitted data to delivery trucks such as feed delivery trucks (21a), as taught by Anderson, in Curkendall's system since Curkendall's livestock must be fed and medically treated, and Anderson's delivery trucks deliver feed and medical treatment based on data received from databases to specific as well as groups of animals.

13. Claims 15-17, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curkendall in view of Lewin et al (US 2001/0005831A1).

Curkendall discloses the Livestock data collection and management system as described above.

Regarding Claims 15 and 19-22, Curkendall does not expressly disclose neither sending instructions regarding animal feeding or medical care nor communicating using email.

However, Lewin discloses a system for providing veterinary treatment instructions through the internet via email. See Lewin at paragraphs 4, 87, 92, 101, 127, 173. Paragraph 143 includes a table describing treatment types such as SPTypes-820 "veterinary" on p. 7. On p. 7, under "serviceitem-840, Lewin discloses "'pet examination' service...may take 30 minutes".

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have incorporated an email-based veterinary treatment communication system

that communicates treatments to one of the entities in the livestock processing system, such as a farmer or stockman, in Curkendall's system, as taught by Lewin, for the purpose of carrying out treatment of animals based on analysis of the stored animal information obtained from RFID transponders.

Regarding Claim 16, note again that Curkendall discloses at col. 9, lines 53-57, that a company id, user id and password are entered into an authorization screen for each set of information, i.e., database. Note also that it is considered obvious that a computer using email for communication over the internet would require a server name and email address as this is how email communication over the internet, as taught by Lewin, is understood to operate by those ordinarily skilled in the art.

Regarding Claim 17, it is considered obvious to one ordinarily skilled in the art to have erased an email having duplicate data that is placed in a database since duplicate data takes up extra memory, and one ordinarily skilled in the art would have found it logical to remove any email having duplicate data for the purpose of preserving memory space.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

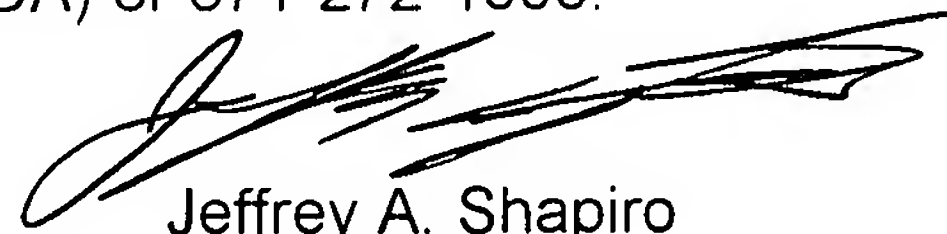
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey A. Shapiro
Examiner
Art Unit 3653

December 24, 2007